

MEMORANDUM

DATE: April 22, 2008

TO: Ms. Sharon L. Summers, DSS
Policy and Program Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 11 DE Reg. 1328 [Proposed Child Subsidy “Necessity of Child Care” Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services’ (DSS) proposal to amend its “necessity of childcare” standards used in the Child Care Subsidy program. The proposed regulation was published as 11 DE Reg. 1328 in the April 1, 2008 issue of the Register of Regulations.

As background, the Child Care Subsidy Program is designed to supplement the care children receive from their parents when the parents work, parent(s) participate in an employment and training program, parent(s) have a special need requiring absence from the home, or the children need to be protected from abuse/neglect. See attached 16 DE Admin. Code §11002.2.

The proposed amendment expands eligibility. The current standard disallows eligibility if there is another “responsible and capable adult in the household (such as another family member)”. DSS proposes to delete this limitation based on the rationale that “only parents are legally obligated to care for their child.”

Parenthetically, SCPD notes that similar issues are presented in the Medicaid program when a parent seeks private duty nursing or personal assistance for a child with a disability. MCOs have historically manifested reluctance to fund such services based on a vary narrow view of parental justification and need.

SCPD endorses the proposed regulation since it favors eligibility and recognizes that parents cannot “force” other adults in a household to care for children.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed regulation.

cc: Ms. Elaine Archangelo
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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